

The February 12, 2014 meeting of the Walpole Zoning Board of Appeals was held in the Main Meeting Room of Town Hall.

Chairman Susanne Murphy called the meeting to order at 6:45 P.M. with the following members present:

Susanne Murphy, Chairman
James M. Stanton, Vice Chairman
Daniel J. Cunningham, Jr., Clerk
Ted C. Case, Member (not present)
James S. DeCelle, Member

Matthew Zuker, Associate Member (not present)

Ilana Quirk, Town Counsel

6:45 p.m. – Town Counsel – 5th Fairway Development – Case #18-08

Chairman Murphy declared that under G.L. c.30A, §21(b)(3) and (4), the purpose of the executive session will be to discuss litigation strategy regarding litigation known as 5th Fairway Development, LLC v. Walpole Zoning Board of Appeals, Housing Appeals Committee Number 2009-09 regarding a proposed comprehensive permit for land located on Baker Street; and that a discussion of the foregoing in open session could compromise the purpose for the executive session: and that the Board shall return to open session at the conclusion of the executive session.

A motion was made by Ms. Murphy, seconded by Mr. Cunningham, to go into executive session, under G.L. c.30A, §21(b)(3) and (4), regarding the litigation identified and for the purposes and reasons declared by the Board's chairman, with the Board to return to open session at the conclusion of the executive session.

The vote was **4-0-0 in favor.** (Ms. Murphy – yes; Mr. Stanton – yes; Mr. Cunningham – yes; Mr. DeCelle – yes)

The Board returned to open session.

7:00 p.m. – Lot 5A – Route 1 Realty Trust – Case #01-14

Ms. Murphy recused herself from the public hearing.

Mr. Stanton explained to the applicant's engineer that Mr. Case and Mr. Zuker were not present for the meeting and Ms. Murphy has recused herself, therefore, the Board has only three members available to vote and could not proceed with the hearing.

A motion was made by Mr. Cunningham, seconded by Mr. DeCelle, to continue the public hearing to March 5, 2014 at 6:55 p.m.

The vote was **3-0-0 in favor.** (Stanton, Cunningham, DeCelle, voting)

7:30 p.m. – Michael P. and Bridget Servatius – Case #02-14

Ms. Murphy informed the applicant that there are only four members present this evening and the petitioner is entitled to a five-member Board and that this hearing can be postponed until a five-member Board is present. Further, with a four-member Board, there can be no negative votes in order for a motion to carry; however, a five-member Board can have one negative vote and four positive votes.

Mr. Servatius would like a five-member Board to hear his appeal.

A motion was made by Ms. Murphy, seconded by Mr. Cunningham, to continue the hearing to March 5, 2014 at 6:45 p.m.

The vote was **4-0-0 in favor.** (Murphy, Cunningham, Case, DeCelle voting)

8:00 p.m. – Discussion with Jack Mee, Building Inspector re: ZBA Administrative Board Secretary

Mr. Jack Mee, Building Inspector, met with the Board to discuss the Administrative Board Secretary position currently being advertised.

There being no further business, the meeting adjourned at 8:30 p.m.

Craig W. Hiltz
Clerk

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Minutes were approved on May 28, 2014.